

BERNALILLO COUNTY

BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE BERNALILLO COUNTY ZONING
ORDINANCE #213, BERNALILLO COUNTY CODE, APPENDIX "A"

Section 1. The Zoning Ordinance is hereby amended to include the following changes:

Section 2. Purpose.

The regulations and restrictions of this ordinance are designed to lessen congestion in the streets and public ways; to secure safety from fire, panic, flooding and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of buildings and lands; and to encourage the most appropriate use of land throughout the unincorporated areas of Bernalillo County in accordance with the Albuquerque/Bernalillo County Comprehensive Plan.

Section 3. Interpretation and Conflict.

A. Interpretation. The Zoning Administrator shall interpret the regulations and restrictions of this ordinance in accordance with the purposes and intent of this ordinance. Disagreement with the Zoning Administrator's interpretation may be appealed to the County Planning Commission and then to the Bernalillo County Commission pursuant to the Administration Section of this ordinance.

B. Conflict. The regulations, restrictions, and requirements of this ordinance shall be held to be the minimum standards to carry out the purpose of this ordinance. This ordinance is not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between parties, or other valid ordinances. Where this ordinance imposes a greater restriction upon the use of land or building, or upon the height of building, or requires larger open space than is imposed by other rules, regulations, easements, covenants, agreements, or ordinances, the provisions of this ordinance shall control.

C. All actions, approvals, decisions of the Extraterritorial Land Use Authority are to be interpreted and considered as if made by the Board of County Commissioners unless specifically excluded by ordinance or resolution.

Section 5. Definitions.

Adult Amusement Establishment

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D. An establishment which upon payment of a fee provides its patrons with a male or female model fully or partially ~~clothed or~~ nude for the purposes of demonstrating body oils, body lotions or similar substance or devices.

Agricultural Assistant. A person engaged in agricultural activities and occupying a mobile home in accordance with the regulations of the A-1 and A-2 Rural Agricultural Zones.

Amateur Radio Antenna/Tower. A free-standing, guyed or building-mounted lattice construction or tubular metal tower or similar type construction, including antennas and appurtenances intended for radiowave communication purposes by a person holding a valid amateur radio ("ham") license issued by the Federal Communications Commission.

Cluster Housing Development. A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, or preservation of environmentally sensitive areas or agriculture.

Customarily Incidental Use. An incidental use customarily found within the zone and not listed as a permissive, conditional or special use in this ordinance.

Existing Vertical Structure. Any ~~tower structure~~ for which a building permit has been issued, including a tower or antenna for which a building permit has been issued by the county but which has not been constructed provided approval by the county has not expired, including a tower and antenna that has been given an approval prior to the effective date of this ordinance and which is not found by the county to be contrary to the purposes of this ordinance, or any other vertical structure.

Family. One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house or hotel, not exceeding 12 people.~~Any individual or two or more persons related by blood, marriage, adoption or legal assignment, along with as many as three persons not so related; or a group of not more than five persons not related by blood or marriage, living together in a dwelling unit.~~

Group Home. A residence providing full-time supervision and training in daily living activities to up to six residents ~~other than family~~; no infant care is provided.

Kitchen. Any room or portion thereof principally used, intended or designed to be used for cooking or the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall normally be considered as establishing a kitchen.

Mobile Home. A vehicle without motive power, designed to be drawn by a motor vehicle and to be used as a temporary or permanent human habitation, including trailer coach, trailer home, ~~mobile home~~ and house trailer but not including Manufactured Home or Recreational Vehicle,

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whether the same be with or without wheels, and whether or not attached to or incorporated in a building and that part of any self-propelled vehicle, ~~or removed therefrom~~, whether the same be with or without wheels, and whether or not attached to or incorporated in a building. Skirting is required in addition to a storage building of sufficient size to accommodate all outside storage.

Mobile Home Park. Any lot(s) issued a special use permit for a Mobile Home Park in accordance with Section 18 of this ordinance.~~Any lot on which two or more mobile homes are used for human habitation, except as otherwise provided for in the A-1 and A-2 zones.~~

Park. An area reserved for recreational, educational, or scenic purposes and designated as a park by the County.

Residential Zone. A-1, A-2, R-1, R-2, M-H zones and those portions of a Sector Development Plan designated as residential.

Single-family Dwelling. A building designed to be occupied by one family and containing ~~at least~~ one kitchen, including manufactured homes and or prefabricated, modular or sectional units meeting the requirements of the Bernalillo County Building Code, designed to be permanent structures, placed upon permanent foundations, and taxed as real estate property.

Watchman or Caretaker Residence. A mobile home, or manufactured home not placed on a permanent foundation, used as a temporary dwelling for security purposes on sites occupied by an active permitted non-residential use. No other residence may be located on the same lot or parcel and the watchman caretaker unit may not be used for commercial or office purposes.

Section 7. A-1 Rural Agricultural Zone

7.B. Use Regulations

1. Prohibited Uses. The following uses are prohibited in this zone:

a. The open storage of inoperative vehicles or auto parts

b. The open storage of trash or junk

c. The open storage of large appliances

d. Any use not designated a permissive use or conditional use in this zone, unless otherwise authorized by this code, or

e. Any use not recognized as customarily incidental to a permitted use in the zone.

~~12.~~ Permissive Uses

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c. One single-family dwelling or H.U.D. Zone Code II manufactured home ~~per acre~~
~~or~~ per lot of record.

k. Amateur Radio Antenna/Tower up to 40 feet as measured from grade.

23. Conditional Uses

o. One mobile home ~~per acre or~~ per lot of record used as a one-family dwelling,
provided that where two or more mobile homes are located on one lot, they must
be clearly incidental to a use listed under Section 7.B.~~42~~.a. or as provided in
Section 7.B.~~2-q~~3.p.

q. Mobile home used as a dwelling (with connections to any utilities) during
construction of a dwelling on the same premises, provided such use shall be
limited to a maximum period of 24 months.

r. Amateur Radio Antenna, above 40 feet as measured from grade provided that the
applicant establishes that the required height is needed to provide a reasonable
accommodation consistent with Federal regulations and guidelines.

s. Bed and Breakfast House.

t. Park.

7.D. Area Regulations

1. Minimum Lot Area and Lot Width. ~~Every lot shall have an area of not less than one acre
and an average width of not less than 150 feet.~~ Every lot shall have an average width of
not less than 150 feet. The minimum lot area for this zone shall be one (1) acre, however,
if the lot is in Residential Area Two (2) as designated in the Bernalillo County Southwest
Area Plan the minimum acceptable lot size of each lot is as follows:

a. One acre if both municipal water and sewer services are available.

b. One and one-fourth acres if municipal water and sewer services are not available.

Section 8. A-2 Rural Agricultural Zone.

1. Prohibited Uses. The following uses are prohibited in this zone:

a. The open storage of inoperative vehicles or auto parts

b. The open storage of trash or junk

c. The open storage of large appliances

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d. Any use not designated a permissive use or conditional use in this zone, unless otherwise authorized by this code, or

e. Any use not recognized as customarily incidental to a permitted use in the zone.

~~12.~~ Permissive Uses.

~~23.~~ Conditional Uses.

a. Uses conditional in the A-1 zone as listed under Section 7.B.~~23.~~, a. through ~~ps.~~

Section 9. R-1 Single-Family Residential Zone.

1. Prohibited Uses. The following uses are prohibited in this zone:

a. The open storage of inoperative vehicles or auto parts

b. The open storage of trash or junk

c. The open storage of large appliances

d. Any use not designated a permissive use or conditional use in this zone, unless otherwise authorized by this code, or

e. Any use not recognized as customarily incidental to a permitted use in the zone.

~~12.~~ Permissive Uses

k. Amateur Radio Antenna/Tower up to 40 feet as measured from grade.

~~23.~~ Conditional Uses

b. Amateur Radio Antenna, above 40 feet as measured from grade provided that the applicant establishes that the required height is needed to provide a reasonable accommodation consistent with Federal regulations and guidelines.

n. Park
(reletter b-l accordingly)

Section 10. R-2 Apartment Zone.

1. Prohibited Uses. The following uses are prohibited in this zone:

a. The open storage of inoperative vehicles or auto parts

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b. The open storage of trash or junk

c. The open storage of large appliances

d. Any use not designated a permissive use or conditional use in this zone, unless otherwise authorized by this code, or

e. Any use not recognized as customarily incidental to a permitted use in the zone.

~~12.~~ Permissive Uses

c. Multiple single family dwellings.

~~23.~~ Conditional Uses

Section 11. M-H Mobile Home and Single-Family Residential Zone.

1. Prohibited Uses. The following uses are prohibited in this zone:

a. The open storage of inoperative vehicles or auto parts

b. The open storage of trash or junk

c. The open storage of large appliances

d. Any use not designated a permissive use or conditional use in this zone, unless otherwise authorized by this code, or

e. Any use not recognized as customarily incidental to a permitted use in the zone.

~~12.~~ Permissive Uses

~~23.~~ Conditional Uses

Section 12. O-1 Office and Institutional Zone.

1. Prohibited Uses.

a. Any use not designated a permissive use or conditional use in this zone, unless otherwise authorized by this code, or

b. Any use not recognized as customarily incidental to a permitted use in the zone.

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12. Permissive Uses

a. ~~(1) Antenna (amateur radio), up to 65 feet in height.~~

(~~14~~13) Public utility structure (such as a transformer, switching, pumping, or similar technical installation) essential to the operation of a public utility, ~~when specifically approved through the Special Use Process by the Planning Commission.~~

(~~16~~15)(b) Number of Signs. Not more than one sign is permitted for any one premises with street frontage of 50 feet or ~~more~~less. A composite group of small signs integrated into one framed unit shall constitute one sign.
(renumber 2-17 accordingly)

23. Conditional Uses

a.(1) Amateur Radio Antenna, above 40 feet as measured from grade provided that the applicant establishes that the required height is needed to provide a reasonable accommodation consistent with Federal regulations and guidelines. ~~Antenna (amateur radio), over 65 feet but less than 100 feet in height.~~

Section 13. C-N Neighborhood Commercial Zone.

1. Prohibited Uses.

a. Any use not designated a permissive use or conditional use in this zone, unless otherwise authorized by this code, or

b. Any use not recognized as customarily incidental to a permitted use in the zone.

12. Permissive Uses

23. Conditional Uses

(1) Amateur Radio Antenna, above 40 feet as measured from grade provided that the applicant establishes that the required height is needed to provide a reasonable accommodation consistent with Federal regulations and guidelines. ~~Bar or lounge, liquor store.~~

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Section 14. C-1 Neighborhood Commercial Zone.

1. Prohibited Uses.

a. Any use not designated a permissive use or conditional use in this zone, unless otherwise authorized by this code, or

b. Any use not recognized as customarily incidental to a permitted use in the zone.

12. Permissive Uses:

a. Any permissive use allowed and as regulated in the R-2 ~~Multiple Family~~ Apartment Zone and O-1 Office and Institutional Zone and the following:

(1) Automobile, motorcycle, bicycle, ~~and~~ motorized bicycle (moped), all terrain vehicle, and small engine repairing, but no bodywork.

(17)(b) Number of Signs. Not more than one sign is permitted for any one premises with street frontage of 50 feet or ~~more~~ less. A composite group of small signs integrated into one framed unit shall constitute one sign.

23. Conditional Uses

(1) Amateur Radio Antenna, above 40 feet as measured from grade provided that the applicant establishes that the required height is needed to provide a reasonable accommodation consistent with Federal regulations and guidelines.

(Renumber 1-8 accordingly)

Section 15. C-2 Community Commercial Zone.

1. Prohibited Uses.

a. Any use not designated a permissive use or conditional use in this zone, unless otherwise authorized by this code, or

b. Any use not recognized as customarily incidental to a permitted use in the zone.

12. Permissive Uses:

a. Any permissive and conditional use allowed and as regulated in the C-1 Neighborhood Commercial Zone except as qualified below and the following:

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(1) Amateur Radio Antenna/Tower up to 40 feet as measured from grade.
(renumber 1-12 accordingly)

~~23.~~ Conditional Uses

a.(2) Amateur Radio Antenna, above 40 feet as measured from grade provided
that the applicant establishes that the required height is needed to provide
a reasonable accommodation consistent with Federal regulations and
guidelines.

(renumber 2-7 accordingly)

Section 16. M-1 Light Industrial Zone.

2. Permissive Uses.

a. Any permissive or conditional use listed and as regulated in the C-2 zone except
as qualified above and below.

b. Amateur Radio Antenna/Tower up to 40 feet as measured from grade.

o. Manufactured or Mobile Homes Sales
(reletter b-n accordingly)

3. Conditional Uses

a. Amateur Radio Antenna, above 40 feet as measured from grade provided that the
applicant establishes that the required height is needed to provide a reasonable
accommodation consistent with Federal regulations and guidelines.
(reletter a accordingly)

Section 17. M-2 Heavy Manufacturing Zone.

1. Permissive Uses.

a. Any permissive or conditional use listed in the M-1 zone except as
qualified below.

b. Amateur Radio Antenna/Tower up to 40 feet as measured from grade.
(reletter b-h accordingly)

2. Conditional Uses.

a. Amateur Radio Antenna, above 40 feet as measured from grade provided
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a reasonable accommodation consistent with Federal regulations and guidelines.

(reletter b-g accordingly)

Section 18. Special Use Permit Regulations.

~~5. The Planning Commission must review the Special Use permit and progress of development from the date of approval and each year thereafter until completion of the plan, and if needed make a recommendation to the County Commission to continue or revoke the Special Use Permit.~~

18.B. Such Special Use Permits may authorize only the following uses:

18.B.17. Mobile home/manufactured home park, provided it complies with the following requirements:

- a. The average width for each mobile home or manufactured home space shall be 40 feet.
- b. Each mobile home or manufactured home space shall be required to maintain the following yard areas: Side-to-side spacing between mobile homes/manufactured homes shall be at least 20 feet, and back-to-back spacing shall be at least 15 feet. The distance between any mobile home/manufactured home and any building shall be at least 20 feet. A 20-foot setback from the interior streets of the mobile home park shall be maintained. This area may be used for off-street parking.
- c. Any mobile home/manufactured home shall be located at least 25 feet from the right-of-way line of any street, and at least ten feet from any property line of the mobile home park.
- d. There shall be at least two automobile off-street, paved parking spaces for each mobile home/manufactured home. Parking may be tandem or side-by-side parking.
- j. The minimum lot size ~~per mobile home~~of any park shall be ten acres.
- l. Mobile homes/manufactured homes shall be skirted with materials visually compatible with the siding of the mobile home.
- p. An approved municipal or community water or sewer system is available
- q. Any other condition imposed on the development

23. ~~Planned development area, including residential areas or mixtures of residential and commercial developments, provided the minimum lot area is five acres where, due to unusual circumstances, such as topographic conditions, lot configuration, or other similar conditions, special use, height, area, setback, or other regulations may be imposed.~~ Planned Development Area, including residential uses or mixed residential and commercial uses provided the minimum development lot area is two acres and the applicant demonstrates the need to vary height, lot area, or setback requirements due to unusual topography, lot configuration, or site features in order to create cluster housing development, preserve visual or physical access to open space or unique site features.
32. ~~Specific Use. In certain situations based on unique conditions, and where there is evidence of substantial support from the affected neighborhood residents and/or property owners within 100 feet, a Special Use Permit may be recommended for approval by the Board of County Commissioners for any of the specific uses set forth in Sections 12, 13, 14, 15, 16, 17, and 18 of the Bernalillo County Comprehensive Zoning Ordinance. It should be noted that these special use permits may not be applied for by the applicant; rather, they may be considered by the Bernalillo County Planning Commission only after it has been determined that the requested zone is inappropriate, and that unique conditions and substantial neighborhood support exist.~~
- a. (Office/Commercial) In certain situations based on unique conditions the owner may apply for any of the specific uses set forth in Sections 12, 13, 14 or 15 of this Ordinance. The special use for a specific use (office/commercial) may be granted if the owner/applicant proves by clear and convincing evidence that: (1) unique conditions exist that justify the request and (2) there is substantial support from neighborhood residents (or owners of property) within 200 feet of the site for the proposed special use.
- b. (Industrial/Warehouse). In certain situations based on unique conditions the owner may apply for any of the specific uses set forth in Sections 16 or 17 of this Ordinance. The special use permit for a specific purpose (manufacturing) may be granted if the underlying zoning of the site is C-1 or C-2 and the owner/applicant proves by clear and convincing evidence that: (1) unique conditions exist that justify the request and (2) there is substantial support from neighborhood residents (or owners of property) within 200 feet of the site for the proposed special use.

Section 18.C. Application Procedures.

1. An application for a Special Use Permit shall be filed with the County Zoning, Building and Planning Department on forms prescribed by the Department and accompanied by all relevant data and information. Incorrect or incomplete

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information may ~~be~~ cause ~~for denial or deferral and may~~ delay ~~in~~ the review and hearing process. It is recommended that the applicant consult with the County Zoning or Planning staff before filing an application to be informed of any requirements of policies relevant to the request.

5. Each application shall be accompanied by a preliminary site development plan that shall:

~~d. Show the existing and proposed topography for the site and within a minimum of 25 feet beyond the property boundaries.~~

~~ed.~~ Show all existing and proposed structures on the site and within 50 feet beyond the property boundaries including the square footages and use of each structure, ~~elevations~~, dimensions, and loading and unloading areas

~~hg.~~ Contain a Conceptual Grading and Drainage Plan when considered appropriate by the Bernalillo County Public Works Division.

~~m. Show proposed phasing of improvements and provision for interim facilities.~~

~~om.~~ Include proof of neighborhood notification by certified mail receipt as required by the Bernalillo County Neighborhood Association Recognition and Notification Ordinance. A copy of the notice sent each neighborhood association shall be included in the proof of notification.

~~pn.~~ Copies of the site development plan of the proposed project shall be folded into 8-1/2 x 11, 8-1/2 x 14 or 11 x 17 inches or similar size.

Section 18.E. Hearing

4. The applicant must post and maintain one or more signs as provided by the Zoning Administrator, 15 days before and after the date of the hearing by the Bernalillo County Planning Commission. The Applicant is responsible for removal of the sign(s) 16 days after the hearing, unless the recommendation is appealed. ~~If appealed, signs must remain posted.~~ Failure to properly post and maintain sign(s) is grounds for deferral or denial of the request.

~~The Zoning Administrator shall issue Sign(s) Posting Instructions.~~

Section 18.G Appeals.

Appeal of any denial or approval of an application by the County Planning Commission must be submitted in writing to Board of County Commissioners by noon on the 15th day after the date of

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determination by the County Planning Commission. The day of determination by the County Planning Commission shall not be included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday, or holiday, the next working day shall be considered as the deadline for filing the appeal. A building permit or Certificate of Occupancy shall not be issued until any appeal is decided, or the time for filing such appeal has expired.

1. Written notice of appeal shall be filed with the Zoning, Planning and Building Department. A filing fee of \$75.00 shall accompany the notice of appeal on lots of one acre or less. A fee of \$100.00 on all other appeals.
2. Public notice of any appeal shall be given by legal advertisement in the manner prescribed for a change to the text of this ordinance. Written notice of any appeal, together with notice of the hearing date, shall be sent to the applicant, a representative of the opponents, and to the appellant (if other than the applicant).
3. When an appeal is withdrawn after scheduling and advertising for public hearing by the Board of County Commissioners, the filing fee shall not be refunded to the appellant.

Section 18.J. Special Use Permits which were ~~permitted~~approved after April 17, 1973 ~~by the Extraterritorial Land Use Authority or the~~ Board of County Commissioners, in accordance and under the provisions set forth in the Special Use Permit Section may continue under whatever terms or conditions ~~were~~ imposed by the ~~Board of County Commissioners~~Extraterritorial Land Use Authority and the Board of County Commissioners, and unless the permit specifies to the contrary, the Special Use Permit so granted will continue for the life of the use.

Section 21. Off-Street Parking, Loading and Unloading Regulations.

19. Mobile home park manufactured home park. Two parking spaces for each mobile home or dwelling unit.

Section 22. Supplementary Height and Area Regulations.

Section 22.B. Modification of Height Regulations.

1. The height regulations as prescribed in this ordinance shall not apply to:

~~a. Amateur or non-commercial radio towers.~~

(Reletter b-q accordingly)

Section 22.D. Modification of Area Regulations.

~~b. In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential, institutional, hotel, or motel purposes, there may be more than one main building on the lot when such buildings are arranged around a~~

~~courtyard; provided, however, that said courtyard between buildings that are parallel or within 45 degrees of being parallel shall have a minimum width of 15 feet for one-story buildings, 20 feet for two-story buildings, and 30 feet for three-story buildings.~~

~~d. Where a lot has an area equivalent two or more times than required by this ordinance, but is without sufficient width for two or more lots, more than one dwelling shall be permitted, provided the following requirements are met:~~

~~(1) All height, area, and yard requirements, except lot width, shall be complied with.~~

~~(2) The minimum distance between buildings shall be 50 feet.~~

~~(3) A strip of land at least 22 feet wide, measured at right angles to either side lot line and extending from the street line to the rear portion of the lot, shall be reserved as a means of access.~~

~~(4) Said lot shall be subdivided in accordance with the requirements of the zone.~~

Section 22.D.3 Front Yards.

~~e. The front yards heretofore established shall be adjusted in the following cases:~~

~~(1) Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with two or more buildings that have (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall be so established by the existing building nearest the street line.~~

~~(2) Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with two or more buildings that have a front yard of less depth than herein required, then: Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side; or where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.~~

Section 22.5 Wireless Telecommunications Regulations.

8. View Corridors: Only concealed wireless telecommunications facilities or wireless telecommunications facilities, the antennas of which are all located on existing vertical structures, are allowed within 1/8 mile from the outer edge of the right-of-way of any flood control arroyo designated by the County of Bernalillo, City of Albuquerque, or Albuquerque Metropolitan Arroyo Flood Control Authority and identified as part of an existing or future trail system by the County or City, or the following streets: Alameda Boulevard, Griegos Road, Coors Boulevard, Central Avenue, Unser Boulevard, Paseo del Norte, Rio Grande Boulevard, Tramway Boulevard, Interstate 25, and Interstate 40, Old US Highway 66 (New Mexico 333), New Mexico 14, New Mexico 337 (Highway 14

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South), New Mexico 217, Mountain Valley Road, Frost Road, Sandia Crest Road (New Mexico 536), Vallecitos Road and Gutierrez Canyon Road. All other wireless telecommunications facilities are prohibited within 1/8 mile of the outer edges of the right-of-way of the aforementioned view corridors.

Section 23. Nonconforming Uses.

A.3. Any building or structure nonconforming as to use shall not be added to or enlarged unless such building or structure afterwards is converted to a conforming use; provided, however, that a maximum expansion of 25 percent of its floor area may be permitted by the Zoning Administrator ~~if said enlargement is made within ten years after the effective day of this Ordinance [May 17, 1973], and that expansion of more than 25 percent may be permitted by the Zoning Administrator~~ where a building or structure is used residentially, located in a zone which permits residential uses, and does not increase the number of dwelling units on the lot or in the structure. If a lot is occupied by both a conforming and nonconforming structure, detached accessory buildings may be built, provided they are clearly incidental to the conforming use and do not exceed 25 percent of the original floor area of the conforming use.

Section 24. Administration.

Section 24.A.2. Powers and Duties.

- f. Issue certificates ~~of occupancy~~ for non-conforming uses existing at the effective date of this ordinance.
- h. (2) Investigate all applications ~~for variances from the nonconforming use provisions of this ordinance where the application is~~ for an extension of ~~time of~~ the time limitations authorized by the Nonconforming Use Regulations Section of this ordinance or for an expansion ~~in excess of the amount otherwise authorized of up to 25% of the original floor area for residential uses in residential zones~~, and to grant such applications if the use does not seriously conflict with the character of the surrounding area and in case of expansion of the use the site is adequate in size and shape to accommodate such expansion and the expansion does not increase the number of dwelling units on the lot or in any structure.

Section 24.B.4.b Appeals.

b. Any appeal not filed within 15 days after the rendition in writing of the decision appealed from shall be dismissed by the Board of Adjustment.

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Appeal of any denial or approval of an application by the Zoning Administrator must be submitted in writing to the Board of Adjustment by noon of the 15th day after the date of determination by the Zoning Administrator. The day of determination by the Zoning Administrator shall not be included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday, or holiday, the next working day shall be considered as the deadline for filing the appeal. A building permit or Certificate of Occupancy shall not be issued until any appeal is decided, or the time for filing such appeal has expired.

Section 24.B.4.f. Appeals.

- (1) An appeal of a determination of the Board of Adjustment ~~may~~must be submitted in writing to the Board of County Commissioners ~~within~~by noon of the 15th days from the date of the written determination by the Board of Adjustment. The day of written determination by the Board of Adjustment shall not be included in the 15 day period of filing an appeal, and if the fifteenth day falls on a Saturday, Sunday, or holiday, the next working day shall be considered as the deadline for filing the appeal. A building permit or Certificate of Occupancy and Compliance shall not be issued until any appeal is decided, or the time of filing such appeal has expired.

Section 25.B.1. Application and Fee

~~e. Each application for a Zone Map change shall be accompanied by an accurate plot plan, site plan, a building elevation plan, and a program of development, and landscape plan.~~

(Reletter d and e accordingly)

Section 25.E. Appeals

E. Appeals. Appeal of any denial or approval of an application by the Bernalillo County Planning Commission ~~may~~must be submitted in writing to the Board of County Commissioners ~~within~~by noon of the 15th days after the date of determination by the Bernalillo County Planning Commission. The day of determination by the Bernalillo County Planning Commission shall not be included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday, or holiday, the next working day shall be considered as the deadline for filing the appeal. A building permit or Certificate of Occupancy and Compliance shall not be issued until any appeal is decided, or the time for filing such appeal has expired.

Section 2. Severability Clause. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the ordinance. The Commission hereby declares that it would have passed

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1 this ordinance and each division, section, paragraph, sentence, clause, word or phrase
2 thereof irrespective of any provision being declared unconstitutional or invalid.
3

4 Section 3. Effective Date. This ordinance shall take effect thirty days after final adoption by the
5 Bernalillo County Board of County Commissioners.
6
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9
10

11 BE IT ORDAINED BY THE GOVERNING BODY OF THE COUNTY OF BERNALILLO,
12 NEW MEXICO this _____ day of _____, 2003
13

14 BOARD OF COUNTY COMMISSIONERS
15
16

17 _____
18 Tom Rutherford, Chair
19
20

21 _____
22 Alan B. Armijo, Vice-Chair
23
24

25 _____
26 Michael Brasher, Member
27
28

29 _____
30 E. Tim Cummins, Member
31
32

33 _____
34 Steve D. Gallegos, Member
35

36 APPROVED:
37
38

39 _____
40 County Legal
41

42 Date: _____
43
44

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AN ORDINANCE AMENDING THE BERNALILLO COUNTY ZONING ORDINANCE
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1 ATTEST:

2

3

4 _____
Mary Herrera, County Clerk

5

6 Date: _____